

AN ORDINANCE AMENDING:

CHAPTER 600, REPUBLIC CITY CODE, ALCOHOLIC BEVERAGES, SECTION 600.060, MINORS, BY AMENDING PARAGRAPH D BY ADDING LANGUAGE CONSISTENT WITH STATE LAW THAT ALLOWS PROSECUTION OF MINORS WHO ARE "VISIBLY INTOXICATED".

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: Amending Chapter 600 Republic City Code, Alcoholic Beverages, Section 600.060 Minors, by amending paragraph (D) by adding language consistent with state law that allows prosecution of minors who are "visibly intoxicated". In all other respects, Section 600.060 shall remain in full force and effect and paragraph D of Section 600.060 shall read as follows:

Section 600.060: Minors

D. Minors In Possession Of Intoxicating Liquor, Non-Intoxicating Beer. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Section 600.010, **or who is visibly intoxicated as defined in Section 577.001, RSMo, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood** is in violation of this Section. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating or non-intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or any non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

(**Bold** is added language. ~~Strike through~~ is deleted.)

Section 2: Penalty Clause. Any person found guilty of violating this ordinance shall be penalized in accordance with Section 100.220 of the Republic City Code.

Section 3: This ordinance shall be in full force and effect from and after its date of passage.

Passed and approved at a regular meeting of the Board of Aldermen of the City of Republic, Missouri, on this _____ day of _____, 2006.

Bill No. 06-19

Ordinance No. _____

Mayor, James H. Collins

ATTEST:

Brenda Jackson, City Clerk

Approved for Board Action: _____, City Administrator

Approved as to Form: _____, City Attorney

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